

Remarks

Claims 1-3, 6, 10, 11, 21-25, and 28-32 are currently pending in the application. No amendments are made herein.

Applicants respectfully request reconsideration of the application in view of the remarks below. Applicants believe this response will place the application in condition for allowance.

Rejection Under 35 U.S.C. §102

Claims 1-2, 10-11, and 28-32 stand rejected under 35 U.S.C. §102(b) as being anticipated by Freyn et al. (U.S. Pat. No. 5,451,417). Applicants disagree.

Applicants have previously addressed this rejection (from the Office Action dated July 6, 2009) in the paper filed November 6, 2009. Applicants maintain those remarks and arguments, and add the following reasons for patentability.

The dough compositions of Freyn et al. do not have a flour to water weight ratio ranging from 1.67 to 1.82, as required by pending claims 1-2, 10-11, and 28-32. As acknowledged by the Office Action, Example 6 of Freyn et al. has a flour to (added) water ratio of 1.70; when the calculation includes the water present in the liquid eggs, the flour to water ratio of Example 6 is 1.60, outside of the claimed range of 1.67 to 1.82.

It is well understood in the field of baking that a recipe needs to be balanced, since each basic ingredient used in a recipe serves a special purpose, and each has a definite effect upon the recipe and upon the other basic ingredients. Water present in an ingredient (e.g., liquid eggs) offsets the amount of “added” water needed for the recipe, and thus, all useful water needs to be accounted for, even if included in a non-water ingredient.

Submitted herewith is a Declaration by Laura Hansen, one skilled in the art of doughs and baking. According to Ms. Hansen’s Declaration, it is well known that when determining the amount of water present in a recipe, all sources of available water are included in the calculation (see Paragraph 8 of Ms. Hansen’s Declaration). According to Ms. Hansen, when the phrase “flour to water weight ratio” is used in the field of doughs and baking, what is meant is the ratio of the flour weight to the weight of all the available water (see Paragraph 9 of Ms. Hansen’s Declaration). Thus, the liquid eggs in Examples, 4B, 5A, 5B, 6 and 7 of Freyn et al. need to be taken into account when calculating the flour to water ratio (see Paragraph 12 of Ms. Hansen’s Declaration). As shown in Paragraph 14 of Ms. Hansen’s Declaration, Example 6 of Freyn et al.

has a flour to water weight ratio of 1.60. This value is outside of the claimed range of 1.67 to 1.82.

At least for these reasons, Applicants contend that claims 1 and 28 are not anticipated by Freyn et al. Claims 2, 10-11, and 29-32 which depend from one of claims 1 and 28, are likewise not anticipated by Freyn et al. It is respectfully requested that the rejection of claims 1-2, 10-11, and 28-32 under 35 U.S.C. §102(b) as being anticipated by Freyn et al. be withdrawn.

Rejection Under 35 U.S.C. §103

Claims 3, 6, and 21-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freyn et al. Applicants disagree.

Applicants have previously addressed this rejection (from the Office Action dated July 6, 2009) in the paper filed November 6, 2009. Applicants maintain those remarks and arguments, and add the following reasons for patentability.

Claim 1, the independent claim from which claims 3 and 6 depend, and claim 21, the independent claim from which claims 22-25 depend, have been addressed above. As evidenced by the attached Declaration of Ms. Hansen, it is well known in the dough art that in a flour to water weight ratio calculation, all water available for hydration of that flour is used in the ratio calculation (see Paragraphs 8 and 9 of the Declaration).

As discussed above, Freyn et al. does not disclose a unproofed frozen dough composition that has a flour to water weight ratio ranging from 1.67 to 1.82. There is also no suggestion in Freyn et al. to form unproofed frozen dough compositions as recited by the pending claims, which have a flour to water weight ratio ranging from 1.67 to 1.82. Rather, Freyn et al. discloses ratios below the claimed range (i.e., 1.34, 1.42, 1.41, 1.47, 1.48, 1.42, 1.48, 1.48, 1.48 and 1.60) and one ratio above the claimed range (i.e., 1.93). There is no suggestion in Freyn et al. to use a flour to water ratio within the range recited in the pending claims, nor is there any motivation to modify the flour to water ratio.

The dough of Freyn et al. is a frozen dough that does not need to be thawed or proofed prior to baking, and has a specific leavening system. One skilled in the baking art would not turn to Freyn et al. and modify the teachings thereof in an attempt to form a dough product that, after thawing, proofs at retarder conditions, as do the doughs of the pending application. The doughs of the pending application proof (at retarder conditions) after being thawed.

At least for these reasons, Applicants contend that claims 3, 6, and 21-25 are not obvious over Freyn et al. Accordingly, it is respectfully requested that the rejection of claims 3, 6, and 21-25 under 35 U.S.C. §103(a) as being unpatentable over Freyn et al. be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance, and respectfully requested that the Application be passed to issue. The Examiner is invited to telephone the Applicants' undersigned representative in the event that such communication is deemed to expedite prosecution of this application.

Respectfully Submitted,

Dated: March 19, 2010

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